

FEDERAL ENERGY REGULATORY
COMMISSION
WASHINGTON, D.C. 20426

Re: FOIA No. FY19-13
Release Letter

DEC 19 2018

VIA EMAIL AND REGULAR MAIL

Mr. Lucas Smolcic Larson
MuckRock News
Dept. MR 63609
411A Highland Ave.
Somerville, MA 02144
63609-44640346@requests.muckrock.com

Dear Mr. Larson:

By correspondence received on November 23, 2018, you filed a request for information pursuant to the Freedom of Information Act (FOIA),¹ and the Federal Energy Regulatory Commission's (Commission) FOIA regulations, 18 C.F.R. § 388.108 (2018). Specifically, you requested an "aggregate list of all persons who have executed Non-Disclosure Agreements (NDA) as part of the Critical Energy Infrastructure (CEII) request process" from December 1, 2016, through the date your request is processed. A search of the Commission's files revealed three responsive documents. Those documents are being released to you with redactions pursuant to FOIA Exemption 6.²

FOIA Exemption 6

FOIA Exemption 6 protects files that if disclosed would constitute a clearly unwarranted invasion of privacy, including the names, personal addresses and personal information of private citizens. However, the names, addresses, and other data of commercial entities do not implicate a privacy interest that is protected by FOIA Exemption 6 and can be released. *See, e.g., Bibles v. Oregon Natural Desert Ass'n*, 519 U.S. 355 (1997); *National Ass'n of Retired Fed. Employees v. Horner*, 879 F.2d 873 (D.C. Cir. 1989). The three documents include the names and personal information private citizens. To protect their privacy, that information has been redacted pursuant to FOIA Exemption 6. The redacted documents are enclosed.

As provided by the Freedom of Information Act and 18 C.F.R. § 388.110(a)(1) of the Commission's regulations, any appeal from this determination must be filed within 90

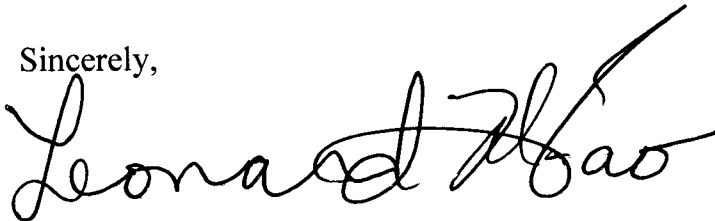
¹ 5 U.S.C. § 552(a) *as amended* by the FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 (2016).

² *See* 5 U.S.C. § 552(b)(6) (protecting from disclosure files that if disclosed would constitute a clearly unwarranted invasion of privacy).

days of the date of this letter. This appeal must be in writing, addressed to James P. Danly, General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, and clearly marked "Freedom of Information Act Appeal." Please include a copy to Charles A. Beamon, Associate General Counsel, General and Administrative Law, at the same address.

You also have the right to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services (OGIS). Using OGIS services does not affect your right to pursue your appeal. You may contact OGIS by mail at Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at (301) 837-1996; facsimile at (301) 837-0348; or toll-free at 1 (877) 684-6448.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard Tao", with a long, sweeping flourish extending from the end of the name.

Leonard Tao
Director
Office of External Affairs

Enclosures: (3)